

**From:** [Webster, Susan](#)  
**To:** [iedane@yahoo.com](mailto:iedane@yahoo.com)  
**Subject:** Fw: Revised Draft of Evidence and Site Control Agreement  
**Date:** Tuesday, May 21, 2013 10:53:45 PM

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**From:** Quinones, Edwin  
**Sent:** Tuesday, May 21, 2013 5:03:16 PM  
**To:** Hayes, Mark; Webster, Susan  
**Subject:** FW: Revised Draft of Evidence and Site Control Agreement

FYI

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**From:** Holmstrom, Don [<mailto:don.holmstrom@csb.gov>]  
**Sent:** Tuesday, May 21, 2013 5:01 PM  
**To:** Le, Madeleine - SOL; David Vansoest; Holmstrom, Don; Schoen, Michael - SOL  
**Cc:** [rector.jack@dol.gov](mailto:rector.jack@dol.gov); Quinones, Edwin; [blaskey@mlllaw.com](mailto:blaskey@mlllaw.com); [mattw@craneengineering.com](mailto:mattw@craneengineering.com); [chuckk@craneengineering.com](mailto:chuckk@craneengineering.com); Lewis, Jeffrey - OSHA; Horowitz, Daniel; Lyon, Chris; Banks, Johnnie; Susan Jablonski; Kathleen Decker; Kelly Cook  
**Subject:** Re: Revised Draft of Evidence and Site Control Agreement

FYI--we just received a communication that ATF will likely be turning over the site at the end of this week.

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**From:** <Le>, Madeleine Le <[Le.Madeleine@DOL.GOV](mailto:Le.Madeleine@DOL.GOV)>  
**Date:** Friday, May 17, 2013 8:47 AM  
**To:** David Vansoest <[david.vansoest@tceq.texas.gov](mailto:david.vansoest@tceq.texas.gov)>, Don User <[don.holmstrom@csb.gov](mailto:don.holmstrom@csb.gov)>, "Schoen, Michael - SOL" <[Schoen.Michael@dol.gov](mailto:Schoen.Michael@dol.gov)>  
**Cc:** "Rector, Jack - OSHA" <[Rector.Jack@dol.gov](mailto:Rector.Jack@dol.gov)>, "[quinones.edwin@epa.gov](mailto:quinones.edwin@epa.gov)" <[quinones.edwin@epa.gov](mailto:quinones.edwin@epa.gov)>, "[blaskey@mlllaw.com](mailto:blaskey@mlllaw.com)" <[blaskey@mlllaw.com](mailto:blaskey@mlllaw.com)>, "[mattw@craneengineering.com](mailto:mattw@craneengineering.com)" <[mattw@craneengineering.com](mailto:mattw@craneengineering.com)>, "[chuckk@craneengineering.com](mailto:chuckk@craneengineering.com)" <[chuckk@craneengineering.com](mailto:chuckk@craneengineering.com)>, Jeffery Lewis <[Lewis.Jeffrey@dol.gov](mailto:Lewis.Jeffrey@dol.gov)>, Daniel Horowitz <[Daniel.Horowitz@csb.gov](mailto:Daniel.Horowitz@csb.gov)>, "Lyon, Chris" <[Chris.Lyon@csb.gov](mailto:Chris.Lyon@csb.gov)>, "Banks, Johnnie" <[Johnnie.Banks@csb.gov](mailto:Johnnie.Banks@csb.gov)>, Susan Jablonski <[susan.jablonski@tceq.texas.gov](mailto:susan.jablonski@tceq.texas.gov)>, Kathleen Decker <[kathleen.decker@tceq.texas.gov](mailto:kathleen.decker@tceq.texas.gov)>, Kelly Cook <[kelly.cook@tceq.texas.gov](mailto:kelly.cook@tceq.texas.gov)>  
**Subject:** RE: Revised Draft of Evidence and Site Control Agreement

OSHA would like to schedule a conference call for 2:00 pm Monday afternoon to discuss any questions or concerns that you may have about the site agreement. We will send out a call-in number for everyone to call in.

Madeleine T. Le  
Counsel for Occupational Safety & Health  
Office of the Solicitor  
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**From:** David Vansoest [<mailto:david.vansoest@tceq.texas.gov>]  
**Sent:** Friday, May 17, 2013 9:16 AM  
**To:** Holmstrom, Don; Schoen, Michael - SOL  
**Cc:** Rector, Jack - OSHA; [quinones.edwin@epa.gov](mailto:quinones.edwin@epa.gov); [blaskey@mlllaw.com](mailto:blaskey@mlllaw.com); [mattw@craneengineering.com](mailto:mattw@craneengineering.com); [chuckk@craneengineering.com](mailto:chuckk@craneengineering.com); Le, Madeleine - SOL; Lewis, Jeffrey - OSHA; Horowitz, Daniel; Lyon, Chris; Banks, Johnnie; Susan Jablonski; Kathleen Decker; Kelly Cook  
**Subject:** RE: Revised Draft of Evidence and Site Control Agreement

Don / Michael,

TCEQ will need to have a phone conference to discuss before making a decisions on a path forward. We are available today at any time except between 10:00 - 11:30. Please e-mail any potential times to discuss and I will get everyone together on this side.

Thank you,

David Van Soest, Director  
Waco and Austin Regions  
TCEQ

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**From:** Holmstrom, Don [<mailto:don.holmstrom@csb.gov>]  
**Sent:** Thursday, May 16, 2013 11:12 PM  
**To:** Schoen, Michael - SOL  
**Cc:** Rector, Jack - OSHA; [quinones.edwin@epa.gov](mailto:quinones.edwin@epa.gov); Holmstrom, Don; David Vansoest; [blaskey@mlllaw.com](mailto:blaskey@mlllaw.com); [mattw@craneengineering.com](mailto:mattw@craneengineering.com); [chuckk@craneengineering.com](mailto:chuckk@craneengineering.com); Le, Madeleine - SOL; Lewis, Jeffrey - OSHA; Horowitz, Daniel; Lyon, Chris; Banks, Johnnie  
**Subject:** Re: Revised Draft of Evidence and Site Control Agreement

The CSB is prepared to sign this draft of the evidence and site control agreement

Sent from my iPad

On May 15, 2013, at 4:22 PM, "Schoen, Michael - SOL" <[Schoen.Michael@dol.gov](mailto:Schoen.Michael@dol.gov)> wrote:

Everyone:

Attached is a revised draft of the previously circulated Evidence and Site Control Agreement ("Agreement") that now includes proposed revisions from counsel for EPA. I have not received any proposed changes from CSB or TCEQ. Mr. Lasky, counsel for West Fertilizer, is receiving this instrument for the first time, so I will await response as to whether he has any suggested edits.

I am also copying Messrs. Wilbur and Keith of Crane Engineering

on this communication so that they might also be aware of the process of establishing the agreement since they will be designated to manage the site by West's insurance carrier once ATF leaves the site, which I am led to believe will happen very soon.

If there are any changes in who the designated representatives and/or signatories to the agreement will be on behalf of each party, please also forward to me that person's contact information.

Please look over the document and attached photo/Exhibit A and get back to me as quickly as possible, but by at least Friday, with any proposed revisions or questions you may have.

Thank you.

**MICHAEL D. SCHOEN**  
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<Evidence and Site Control Agreement - West Fertilizer.3rd Draft.pdf>

<Exhibit A to Evidence and Site Control Agreement.pdf>